



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

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NO. WR-89,615-02

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**EX PARTE DONTAE TERRELL MOORE, Applicant**

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**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 1061081-A IN THE 177TH DISTRICT COURT  
FROM HARRIS COUNTY**

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***Per curiam.* YEARY and SLAUGHTER, JJ., dissented.**

### **OPINION**

Applicant was convicted of capital murder and sentenced to life imprisonment. The Fourteenth Court of Appeals affirmed his conviction. *Moore v. State*, No. 14-07-00366-CR (Tex. App. —Houston [14th Dist.] Aug. 28, 2008). Applicant filed this application for a writ of habeas corpus in the county of conviction, and the district clerk forwarded it to this Court. *See* TEX. CODE CRIM. PROC. art. 11.07.

Applicant contends that he was denied his right to file a petition for discretionary review because his appellate counsel erroneously filed it with the court in an untimely manner, resulting in its dismissal. Based on the record, the trial court has determined that appellate counsel's performance was deficient and that Applicant would have timely filed a petition for discretionary

review but for counsel's deficient performance.

Relief is granted. *Ex parte Wilson*, 956 S.W.2d 25 (Tex. Crim. App. 1997); *Ex parte Crow*, 180 S.W.3d 135 (Tex. Crim. App. 2005). Applicant may file an out-of-time petition for discretionary review of the judgment of the Fourteenth Court of Appeals in cause number 14-07-00366-CR. Should Applicant decide to file a petition for discretionary review, he must file it with this Court within thirty days from the date of this Court's mandate.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice—Correctional Institutions Division and the Board of Pardons and Paroles.

Delivered: April 12, 2023  
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